

UNITED STATES DISTRICT COURT

for the

Middle District of North Carolina

Division



Case No. 18cv1041
(to be filled in by the Clerk's Office)

Domanick Bullock

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

AW North Carolina, Inc, and
Effex Management Solutions, LLC

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

COMPLAINT FOR EMPLOYMENT DISCRIMINATION

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	<u>Domanick Bullock</u>
Street Address	<u>110 Scott Circle</u>
City and County	<u>Norlina, Warren</u>
State and Zip Code	<u>North Carolina, 27563</u>
Telephone Number	<u>(919) 971-2110</u>
E-mail Address	<u>domanickbullock@gmail.com</u>

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (*if known*). Attach additional pages if needed.

Defendant No. 1

Name	AW North Carolina, Inc.
Job or Title (<i>if known</i>)	
Street Address	4112 Old Oxford Rd
City and County	Durham, Durham
State and Zip Code	North Carolina, 27712
Telephone Number	(919) 479-6400
E-mail Address (<i>if known</i>)	

Defendant No. 2

Name	Effex Management Solutions, LLC
Job or Title (<i>if known</i>)	
Street Address	1302 Kingwood Drive
City and County	Kingwood, Harris and Montgomery
State and Zip Code	Texas, 77339
Telephone Number	(281) 359-8820
E-mail Address (<i>if known</i>)	

Defendant No. 3

Name	
Job or Title (<i>if known</i>)	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address (<i>if known</i>)	

Defendant No. 4

Name	
Job or Title (<i>if known</i>)	
Street Address	
City and County	
State and Zip Code	

Telephone Number _____

E-mail Address (if known) _____

C. Place of Employment

The address at which I sought employment or was employed by the defendant(s) is

Name Effe Management Solutions / AW North Carolina

Street Address 4112 Old Oxford Rd

City and County Durham, Durham

State and Zip Code North Carolina, 27712

Telephone Number (281) 359-8820

II. Basis for Jurisdiction

This action is brought for discrimination in employment pursuant to (check all that apply):

- ☒ Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

(Note: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

- ☐ Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 to 634.

(Note: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.)

- ☐ Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 to 12117.

(Note: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

- ☐ Other federal law (specify the federal law):

- ☐ Relevant state law (specify, if known):

- ☐ Relevant city or county law (specify, if known):

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. The discriminatory conduct of which I complain in this action includes *(check all that apply)*:

- ☒ Failure to hire me.
- ☒ Termination of my employment.
- ☐ Failure to promote me.
- ☐ Failure to accommodate my disability.
- ☒ Unequal terms and conditions of my employment.
- ☒ Retaliation.
- ☐ Other acts *(specify)*: _____

(Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.)

B. It is my best recollection that the alleged discriminatory acts occurred on date(s)
October 12, 2017

C. I believe that defendant(s) *(check one)*:

- ☒ is/are still committing these acts against me.
- ☐ is/are not still committing these acts against me.

D. Defendant(s) discriminated against me based on my *(check all that apply and explain)*:

- ☐ race _____
- ☐ color _____
- ☒ gender/sex _____
- ☐ religion _____
- ☐ national origin _____
- ☐ age *(year of birth)* _____ *(only when asserting a claim of age discrimination.)*
- ☐ disability or perceived disability *(specify disability)*

E. The facts of my case are as follows. Attach additional pages if needed.

I believe AWNC and Effex jointly discriminated and retaliated against me after I reported sexual harassment from an AWNC colleague. Ultimately, I suffered an adverse employment action in the form of a termination on October 12, 2017.

I was hired through Effex Temp Agency on August 8, 2017 as a Line Worker for AWNC. Effex exists physically on AW's site.

On August 10, manager Hakim Lakim recommended that I apply for a job directly at AW due to my safety knowledge. After a series of interviews, Gilbert Brooks hired me because I came highly recommended. I could move departments once I had a trained replacement for my position.

On the 19th, a black male asked me if I could help him take out the garbage. Confused, I walked towards him. He then propositioned to accompany me to the bathroom--he admitted that he didn't need help after all. He said that he could help me in the bathroom because he "knew what he was doing." I declined and left the area immediately. I reported the incident to my Line Manager, who took a sworn statement. She reported it to Effex and Effex reported to AWNC. In a joint meeting, AWNC's HR Director, Mike Gabbard, admitted the comment was disrespectful and promised to get to the bottom of it.

The next week, I saw the employee with a different colored hat that indicated he received a promotion. He drove past me on a cart and said what I tried didn't work. He continued to drive past me everyday and taunt me.

About three weeks later, I moved to the new position, or I was supposed. It turns out that I remained an employee with Effex instead of being hired out-right, and at the pay, of the publicized AW position that I was technically assuming. After inquiring about my new pay and reported continued harassment, I was retaliated against in multiple ways.

Most notably, on October 11, Gabbard instructed me to reenact the sexual harassment. He was present with an HR representative. Employees could overhear. I was utterly humiliated. Gabbard showed the surveillance and insisted that I was lying about the sexual harassment because allegedly there couldn't have been enough time for the coworker to say what he said. I was escorted off the premises that day.

Effex called me the next day and terminated me because I couldn't be trusted, despite the fact that the same worker harassed my manager before.

(Note: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, or the charge filed with the relevant state or city human rights division.)

IV. Exhaustion of Federal Administrative Remedies

- A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding the defendant's alleged discriminatory conduct on *(date)*

April 10, 2018

- B. The Equal Employment Opportunity Commission *(check one)*:

- ☐ has not issued a Notice of Right to Sue letter.
- ☒ issued a Notice of Right to Sue letter, which I received on (date) 9/24/2018.
- (Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.)*

C. Only litigants alleging age discrimination must answer this question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding the defendant's alleged discriminatory conduct (*check one*):

- ☐ 60 days or more have elapsed.
- ☐ less than 60 days have elapsed.

V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

Back pay, front pay, compensatory damages, punitive damages, and any other relief the court may deem just and proper.

VI. Certification and Closing

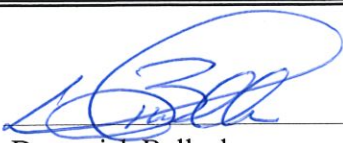
Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: _____

Signature of Plaintiff



Printed Name of Plaintiff

Domanick Bullock

B. For Attorneys

Date of signing:

12-26-2018

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To:

Ms. Domanick Bullock
110 Scott Circle
Norlina, NC 27563

From:

US, EEOC, Raleigh Area Office
434 Fayetteville Street, Suite 700
Raleigh, NC 27601

☐

On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

433-2018-01989

Alvan L. Robinson,
Senior Federal Investigator

(919) 856-4082

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

☐

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.

☐

Your allegations did not involve a disability as defined by the Americans With Disabilities Act.

☐

The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.

☐

Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge

☒

The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.

☐

The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.

☐

Other (briefly state)

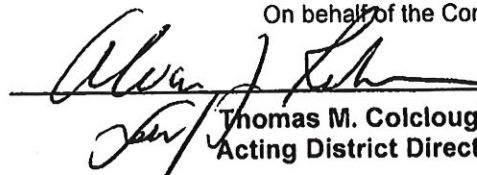
- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission


Thomas M. Colclough,
Acting District Director

09/24/18
(Date Mailed)

Enclosures(s)

cc:

Ms. Holly N. Mancl, Attorney
FISHER & PHILLIPS, LLP
Post Office Box 36775
Charlotte, NC 28236

Ms. Anitra K. Brown, Attorney
ANITRA K. BROWN LEGAL AND CONSULTING
SERVICES
421 Fayetteville Street, Suite 1100
Raleigh, NC 27601

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To:

Ms. Domanick Bullock
110 Scott Circle
Norlina, NC 27563

From:

US, EEOC, Raleigh Area Office
434 Fayetteville Street, Suite 700
Raleigh, NC 27601

☐

On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

433-2018-01990

Alvan L. Robinson,
Senior Federal Investigator

(919) 856-4082

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Other (briefly state)

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On behalf of the Commission

Enclosures(s)


Thomas M. Colclough,
Acting District Director

09/24/18
(Date Mailed)

cc:

Mr. Allen Thomas, Attorney
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Raleigh, NC 27609

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